

Appl. No. 10/650,161
Amdt. dated September 3, 2004
Reply to Office action of June 3, 2004

REMARKS

35 U.S.C. § 102(b)

The Examiner rejects claims 1, 2, 5-7, 9, 11-13, 15-18, 21 and 22 under 35 U.S.C. § 102(b) as being anticipated by Moore, Jr. Generally, to anticipate a claim, the cited reference must disclose each and every element of the claim.

The high low craps combo wager (column 10, lines 35-39) referred to by the Examiner does not necessitate each roll be higher or lower than a pre-established value (e.g., 7 when two dice are used) as recited in the instant claims. To the contrary, the wager relates to a sum of four consecutive rolls of two dice. A pay table sets forth a high craps payout and a low craps payout based on the sum of the four dice (column 11, lines 1-10). Specifically, the pay table is based on the sum of four rolls of two dice. Accordingly, the high roll payouts comprise totals of 36 to 48 or an average of 9+ per roll and the low roll payouts comprise totals of 8-20 or an average of 5+ per roll.

The high and low wagers of the present application relate to the sum of each roll individually. Although the Moore reference might result in four consecutive rolls over a pre-established value (e.g., 7), it does not mandate that each roll be over the pre-established value of 7 to win an award for the wager. For example, according to the aforementioned pay table of Moore, a two dice roll series of 12, 12, 11 and 2 totaling 37 results in a win and a payout for a high craps wager even though one of the rolls (i.e., the sum of 2) has the smallest possible total. According to the specification and claims of the present application, each of two consecutive rolls must be higher or lower (depending on the wager) than a pre-established value (e.g., 7). In other words, the high wager of the present application cannot be a winning wager unless both consecutive individual rolls exceed the pre-established value and vice versa for the low wager.

As set forth above, for a reference to anticipate a claim it must include each and every element of the claim. In this case, independent claims 1, 9, 12 and 17 recite that the two consecutive rolls must be higher or lower than a pre-established value. Thus, the Moore reference cannot anticipate the aforementioned independent claims. Necessarily the dependent claims cannot be anticipated.

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35 U.S.C. §103(a)

The Examiner rejects claims 3, 4, 8, 10, 14, 19 and 20 under 35 U.S.C. § 103(a) as being rendered obvious by Moore, Jr., Moore in view of Hobert and Moore in view of Timmons Sr. Based on the arguments related to the Section 102 rejection of the independent claims, applicant contends that the Section 103 rejection of the noted dependent claims is moot.

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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Date: September 3, 2004

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of fees which may be required by this paper to Deposit Account No. 502466 including any fee for extension of time, or the fee for additional claims which may be required. Please show our docket number with any Deposit Account transaction. A copy of this letter is enclosed.

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